

**REMARKS**

By way of this Response, claim 9 is amended and new claims 43-58 are added. Accordingly, claims 9-11, 13-17, and 43-58 are pending in this patent application. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the following remarks.

Applicants' representative appreciates the courtesies extended by Examiner Sutton and Supervisory Patent Examiner Welch during the personal interview conducted on August 15, 2008. Applicants note that an Interview Summary form was mailed by the U.S. Patent & Trademark Office on August 21, 2008 summarizing the content of the interview.

The Office Action stated that the Information Disclosure Statements filed on January 12, 2007 failed to comply with 37 C.F.R. 1.98(a)(3). Contrary to the assertion in the Office Action, Applicants respectfully submit that those Information Disclosure Statements included a Concise Explanation of the Relevance of each listed patent document that is not in the English language. Nevertheless, Applicants have included each of the references in an Information Disclosure Statement submitted herewith along with a Concise Explanation of the Relevance for the relevant references. In addition, the "History of the United States Patent Office" reference was indicated as not being considered by the Patent Examiner. That reference was submitted in an Information Disclosure Statement for at least the disclosure relating to Chester Greenfield on pages 2 and 3 of the section entitled "Chapter 29 – The Patent Office Begins to Look Modern." Applicants have resubmitted the "History of the United States Patent Office" reference in an Information Disclosure Statement submitted herewith.

In the Office Action, claims 9-11 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,149,383 ("*Bean*"). In addition, claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bean* in view of U.S. Patent No. 6,499,146 ("*Bavetta*").

Applicants respectfully submit that *Bean* and *Bavetta* fail to teach or suggest the invention as recited in amended independent claim 9. In particular, Applicants submit that *Bean* and *Bavetta* fail to teach or suggest at least "the first portion of the ear portion having a length

and being curved about a first axis, the first axis being substantially orthogonal to the longitudinal plane of the ear portion, the second portion of the ear portion having a length and being curved about a second axis, the second axis being substantially orthogonal to the longitudinal plane of the ear portion, the second axis being spaced apart from the first axis, the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum being at least half the length of the ear portion, a thickness of the first portion of the ear portion is greater than a thickness of the second portion of the ear portion, and each of the first axis and the second axis extends along the ear portion” as recited in claim 9. Accordingly, Applicants further submit that each of the dependent claims 10-11 and 13-17 is allowable for its dependency from claim 9 and for the additional features that it recites.

Regarding new independent claim 43, Applicants respectfully submit that *Bean* and *Bavetta* fail to teach or suggest the invention as recited in claim 43. In particular, Applicants submit that *Bean* and *Bavetta* fail to teach or suggest at least “the first portion of the ear portion having a length and being curved about a first axis, the first axis being substantially orthogonal to the longitudinal plane of the ear portion, the second portion of the ear portion having a length and being curved about a second axis, the second axis being substantially orthogonal to the longitudinal plane of the ear portion, the second axis being spaced apart from the first axis, the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum being at least half the length of the ear portion, and each of the first axis and the second axis extends along the ear portion” as recited in claim 43. Accordingly, Applicants further submit that each of the dependent claims 44-50 is allowable for its dependency from claim 43 and for the additional features that it recites.

Regarding new independent claim 51, Applicants respectfully submit that *Bean* and *Bavetta* fail to teach or suggest the invention as recited in claim 51. In particular, Applicants submit that *Bean* and *Bavetta* fail to teach or suggest at least “the first portion of the ear portion having a length and being curved about a first axis, the first axis being substantially orthogonal to the longitudinal plane of the ear portion, the second portion of the ear portion having a length and being curved about a second axis, the second axis being substantially orthogonal to the

longitudinal plane of the ear portion, the second axis being spaced apart from the first axis, the length of the first portion of the ear portion and the length of the second portion of the ear portion in sum being at least half the length of the ear portion, and each of the first axis and the second axis is oriented so that it does not intersect with the ear portion” as recited in claim 51. Accordingly, Applicants further submit that each of the dependent claims 52-58 is allowable for its dependency from claim 51 and for the additional features that it recites.

In view of the foregoing, the Examiner is respectfully requested to find claims 9-11, 13-17, and 43-58 to be in condition for allowance. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,

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